

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 7. The attached sheet replaces the original sheet that included Fig. 7. In Fig. 7, cross-hatching has been provided to show a cross section.

Remarks

Claims 1-14 are currently pending in the captioned Application. Of these, claims 1-4 and 7 stand rejected as unpatentable over Sosiak ('062) in view of Hess ('219), while claims 5 and 6 stand objected to as depending from a rejected claim. The Office Action is silent regarding claim 14, however it is deemed allowable as depending from an allowed claim.

Neither Sosiak nor Hess teach a salient feature of the present invention as claimed in claim 1, namely that a fixed volume (**103a** and **103b** taken together, as shown in Fig. 1, for example) contains both an air chamber **103a** and a fluid chamber **103b**).

In Sosiak, the liquid dose to be nebulized is retained in canister **103** (in Figs. 1 and 2, for example). To the extent to which air is involved in the dose delivery process, it is ambient air (col. 9, lines 52-53) and not air that is contained in an air chamber, as required by claim 1 of the present Application. Moreover, the ambient air, in Sosiak, is blown by the nozzle, through a totally distinct gated air channel **133** (see col. 10, lines 27-31), and never shares a fixed volume with the fluid, as required by claim 1.

Hess, while teaching the aspect of multiplicity of dose volumes, does *not* teach the air chamber / fluid chamber aspect of the present invention that is claimed in claim 1. Thus, the required feature of an air chamber and a fluid chamber serves to distinguish the present claim 1 over the cited references, each taken alone or in combination.


While the distinction drawn above should suffice to satisfy the allowability of all of the claims that stand rejected, Applicants wish the record to reflect their position that the transducer **10** of Sosiak (in Fig. 4, for example), drives the liquid directly, and lacks (as required by claim 2) any acoustic coupling of an air chamber to an acoustic source.

Appl. No. 10/671,278
Amdt. dated September 2, 2005
Reply to Office Action of June 2, 2005

Sosiak's clamp **10a**, Applicants submit, is a spring-like clamp, serving merely to hold the assembly of spraying device **5** onto the vibrating element **10**, but cannot be construed as the acoustic port (**504c** in Fig. 5C), discussed at par. [0049], that is required by claim 2.

The Application is deemed to be in condition for allowance, which action is respectfully requested. Applicants believe that no extension of time is required. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. J. Petuchowski', is written over a horizontal line.

Samuel J. Petuchowski
Registration No. 37,910

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
Tel: 617 443-9292
Fax: 617 443-0004

01062/00D45 423997.1

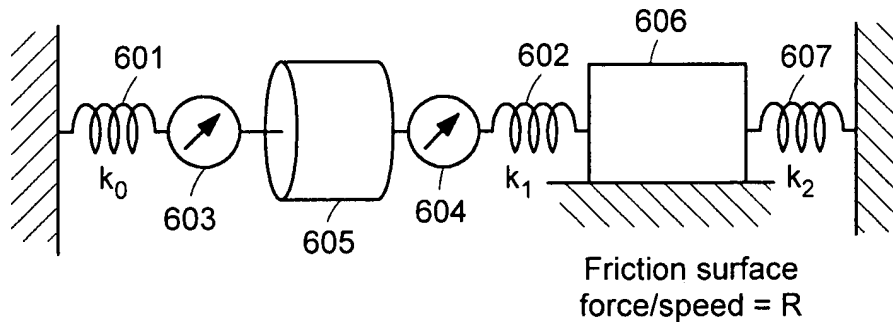


FIG. 6

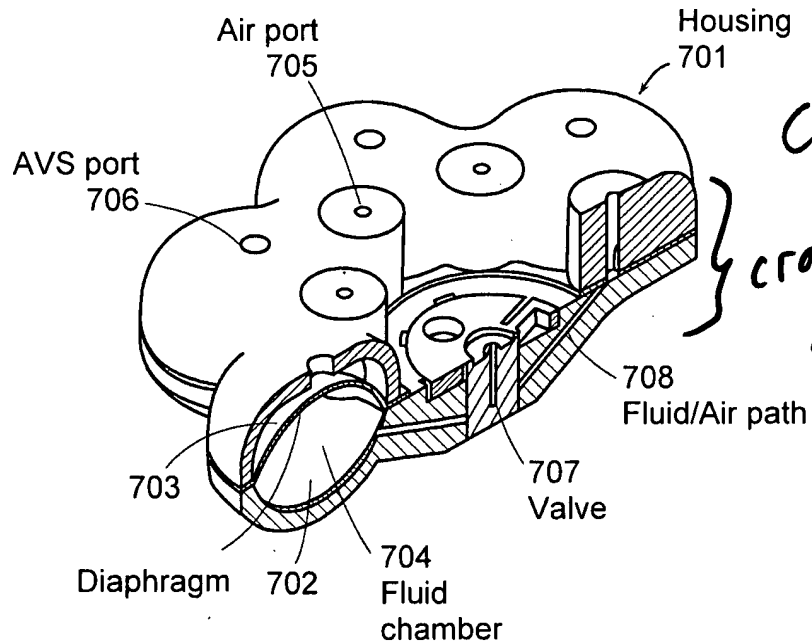


FIG. 7